

ORDINANCE NO. 08-1944

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, APPROVING AND ESTABLISHING A PLANNED COMMUNITY DEVELOPMENT CLASSIFICATION TO ESTABLISH A PCD OVERLAY ZONE DESIGNATION ON THE SITE TO ADOPT AND APPLY SITE-SPECIFIC DEVELOPMENT STANDARDS FOR CERTAIN PROPERTY IN THE CITY OF COVINA, ZONE CHANGE APPLICATION PCD 07-001, MAKES CERTAIN FINDINGS AND CONDITIONS.

Whereas, an application for the planned community development (PCD 07-001) was submitted to the City of Covina for the construction of 171 new residential units, including other facilities for community activities, new parking areas and facilities, a two-story memory care/assisted living facility and a one-story skilled nursing facility.

THE CITY COUNCIL OF THE CITY OF COVINA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to public hearing and processing in the manner set forth by State law and local ordinance, and after recommendation thereon by the Planning Commission at a duly noticed public hearing on June 12, 2007, the property classification set forth in Section 2 is made for the reasons of public interest, convenience and necessity.

SECTION 2. The following described real property in the City of Covina, County of Los Angeles, State of California, is hereby zoned PCD/RD-8500, as such zone is defined in Title 17 of the Covina Municipal Code.

LOTS 5, 6 7 AND THAT PORTION OF LOT 8, LYING WESTERLY OF THE WESTERLY LINE OF REEDER STREET, DESCRIBED IN THE DEED TO THE COUNTY OF LOS ANGELES, RECORDED OCTOBER 28, 1919 AS INSTRUMENT NO. 205 IN BOOK 6975 PAGE 139 OF DEEDS, ALL IN BLOCK 2, AS SHOWN ON THE MAP OF THE PARTITION OF THE HOLLENBECK RANCH SITUATED IN THE NORTHEAST PART OF THE RANCHO LA PUENTE, IN THE CITY OF COVINA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 2 PAGE 39 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT FROM SAID LOTS 5 AND 8, THE SOUTH 33 FEET THEREOF INCLUDED IN PUENTE STREET.

ALSO EXCEPT FROM SAID LOTS 6 AND 7, THE NORTH 33 FEET THEREOF INCLUDED IN BADILLO STREET AND ALSO EXCEPT THAT PORTION OF SAID LOT 7 INCLUDED IN REEDER STREET.

ALSO EXCEPT THAT PORTION OF LOT 5 IN BLOCK 2, AS SHOWN ON MAP OF PARTITIONS OF THE HOLLENBECK RANCH, SITUATED IN THE NORTHEAST PART OF RANCHO LA PUENTE, IN THE CITY OF COVINA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 2 PAGE 39 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF SAID LOT WITH THE NORTHERLY LINE OF THE SOUTHERLY 33 FEET OF SAID LOT; THENCE NORTH 89°31'27" EAST ALONG THE NORTHERLY LINE 39.91 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 26°10'26" EAST 106.78 FEET; THENCE NORTH 71°28'26" EAST 117.90 FEET; THENCE SOUTH

57°02'59" EAST 239.60 FEET TO SAID NORTHERLY LINE; THENCE SOUTH 89°31'27" WEST ALONG SAID NORTHERLY LINE 359.97 FEET TO THE TRUE POINT OF BEGINNING

APN: 8426-012-003 AND 8426-012-004

SECTION 3. After giving full consideration to all evidence presented at said HEARING, both oral and documentary, and after being fully informed, said City Council does hereby find and decide:

1. That the site for the proposed use is adequate in size and shape to accommodate the use.

Fact: The subject property consists of 30 acres of land. The proposed construction of 171 new residential units, common amenities, new parking areas and facilities, a memory care/assisted living facility and a skilled nursing facility may be appropriate for the site; however, it will require certain deviations from the City's Multiple Family residential zoning regulations, including increase in unit density, a reduction in parking, reduction in side yard setbacks, reduction in rear yard setbacks, an increase in building heights, etc. All of the deviations from the City Code will be specified as conditions of approved in the PCD and in the proposed Development Agreement prepared for this particular site.

2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

Fact: The site immediately abuts two (2) streets. The streets are Old Badillo Street and Reeder Avenue. Old Badillo Street is presently a two (2) lane roadway with a width of 66 feet. Reeder Avenue is also a two (2) lane roadway that ranges in width from 65 feet to 44 feet. Both roadways carry on average 5,229 vehicles daily based upon the traffic counts in the document "24 Hour Volume Counts" dated September 2005 prepared by Willdan for the City of Covina. It is the intent of the City to review the Mason's latest project in accordance with our General Plan, Zoning Ordinance and with applicable Building and Fire Safety Codes and establish certain conditions to mitigate possible traffic problems on and off the site that may result from the new development.

3. That the proposed use is not detrimental to the surrounding properties or uses permitted in the general area.

Fact: The Mason's new development is primarily housing units for senior citizens and other supporting facilities including common amenities, new parking areas and facilities, a memory care/assisted living facility and a skilled nursing facility. Presently, the Mason's operations include children's group homes, senior assisted living units and other support facilities. Staff does not believe in the last ten years or more that there

have been any negative impacts to the subject area. Staff believes if the new development is approved that the Masons will continue to operate compatibly with their neighbors.

4. That the conditions stated in the decision are deemed necessary to protect the health, safety and general welfare.

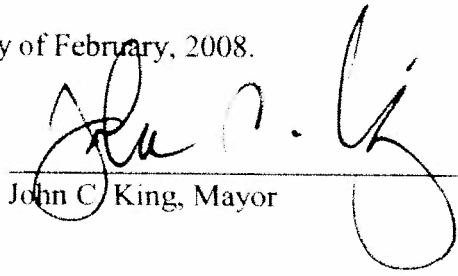
Fact: The proposed Planned Community Development conditions of approval and the accompany Development Agreement are necessary documents to ensure that the residents of Covina and the City are protected.

SECTION 4. In consideration of this application, the City Council has reviewed and considered a Mitigated Negative Declaration, which includes a Mitigation Reporting and Monitoring Program, in compliance with the California Environmental Quality Act (CEQA – Public Resources Code Section 21000 et seq.) to analyze whether the Project will have any significant adverse environmental impacts on the community and on adjacent properties.

SECTION 5. The application for a PCD/R-1-8500 zone designation, which pertains to allowing modification of certain zoning standards, as enumerated in Exhibit 1, to accommodate development of 171 new residential units including other facilities for community activities, new parking areas and facilities, a two-story memory care/assisted living facility and a one story skilled nursing facility, is hereby granted, subject to the attached Conditions of Approval and Mitigated Reporting and Monitoring Program associated with the accompanying land use entitlements (i.e. – SPR 06-016 (F), TPP 07-001, a development agreement and a lot line adjustment), which are deemed necessary to protect the public health, safety, and general welfare of the community.

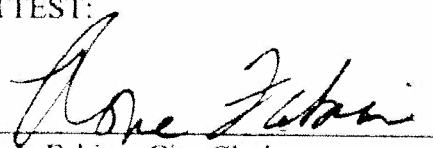
SECTION 6. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is hereby designated for that purpose.

PASSED AND APPROVED on this 19th day of February, 2008.



John C King, Mayor

ATTEST:




Rosie Fabian, City Clerk

APPROVED AS TO FORM:


Ed Edward W. Lee, City Attorney

I, AMY M. TURNER, CMC, Chief Deputy City Clerk of the City of Covina, hereby CERTIFY that Ordinance No. 08-1944 was introduced and placed upon its first reading at a regular meeting of the Covina City Council held February 5, 2008, and that thereafter said Ordinance was duly adopted at a regular meeting of the City Council held February 19, 2008, and was approved and passed by the following vote:

AYES: Council Members Allen, Delach, Juarez, Mayor Pro Tem Stapleton, Mayor King
NOES: None
ABSTAIN: None
ABSENT: None



Amy M. Turner, CMC
Chief Deputy City Clerk

ATTACHMENT 1

EXHIBIT 1

(To be attached to Ordinance)

ACACIA CREEK AT COVINA

List of Project Deviations from the City of Covina
RD (Multiple Family) Residential Zone regulations

PROJECT PROPOSAL

1. The skilled nursing, memory care, assisted living buildings and services will be approved under the the Planned Community Development process
2. Modified Density of 6.09 dwelling units per acre

Reclassification of an existing State Licensed senior assisted living facility to three (3) buildings containing 56 rooms

3. Buildings A, B and C will exceed the maximum building height.

Building A: 53'-5" 38' maximum height
Building B: 58'-4" 48' maximum height
Building C: 55'-2" 48' maximum height

4. Reduce required side yard setbacks along west property line for Buildings E and F (12'-0" to 14'-11")

5. Reduce required rear yard setbacks along south property line for Buildings A, B and C (35'-5" to 108") (47' - 104') **Building A now meets code**

RD ZONE REGULATIONS

Uses permitted subject to conditional use permit
Sec. 17.28.030 C.M.C.

6.0 dwelling units per acre
(PCD/RD/8500)
Sec. 17.28.080 C.M.C.

Two (2) stories or 35 feet except by conditional use permit
Sec. 17.28.090(A) C.M.C.

Building height of all multiple family density developments abutting an R-1 zone
Sec. 17.28.090 C.M.C.

1 foot of building height for each each foot of building setback along interior property lines
Sec. 17.28.090 (B) (1) C.M.C.

Buildings E and F (17'-0")

1 foot of building height for each two (2) feet of building setback along all rear property lines
Sec. 17.28.090 (B)

Buildings A, B and C
(110' to 116') (76' - 96')

PROJECT PROPOSAL

RD ZONE REGULATIONS

6. Reduce required distance between buildings for Buildings E and F (10' 11" to 14' 10")

Distance between buildings shall be the sum of the minimum yard requirement for each building
Sec. 17.28.150 C.M.C.

Buildings E and F
(15' 6" to 16' 6")

Distance required between Buildings E and F is 10'. Project meets this requirement

7. No masonry wall installed between the project site and the single family residential area abutting to the west. Instead an existing fence with landscaping is to be kept

A solid masonry wall six (6) feet in height is required between all RD classified property and all abutting R-1 uses
Sec. 17.28.170 C.M.C.

Masonic Homes had agreed to provide the Code-required block wall where ever it is desired by adjoining neighbors to the west. Masonic Homes will meet with each neighbor along its western property line and will provide either the block wall, new fencing or a landscape screen, as requested by each owner.

8. Reduce required parking to 419 stalls

Off-street parking space requirements
Sec. 17.28.260 C.M.C.

Approximately 480 stalls

9. Reduce required parking stall size to 9' X 18' and not providing garages but only carport parking

Off-street parking covered spaces
Sec. 17.28.270 C.M.C.

Minimum interior dimension of a stall in a garage of 9' X 20' when served by fire access

Off-street parking open spaces
Sec. 17.28.280 C.M.C.

Minimum dimension of 9' X 19'

PROJECT PROPOSAL

10. The project site will consist of four (4) parcels of land to be held together with a Development Agreement.

Parcels A and B individually will exceed the maximum land coverage.

11. Reduce usable yard area for Buildings B & C

Building B & C Decks: 5' 5" X 12' or 6' X 12' a minimum

12. No storage area of 175 cubic feet will be provided in garages. Instead small storage areas will be provided for only the patio homes and duplexes (units E and F) ranging in area from 20 square feet to 29 square feet

13. Buildings B, C and D will exceed the required building length

Building B: More than 167 feet in length
Building C: More than 167 feet in length
Building D: More than 167 feet in length

14. Proposed retaining walls ranging in height from 6' 6" to 27'-0" 15'

RD ZONE REGULATIONS

Land coverage
Sec. 17.28.390 C.M.C.

Parcel(s) over 7,200 sq. ft.
(more than 3,000 sq. ft. per unit)
35%

Usable yard area
Sec. 17.28.410 C.M.C.

70 sq. ft. and
dimension of seven (7) feet for
decks

Storage
Sec. 17.28.470(B) C.M.C.

A minimum of 175 cubic feet of storage area shall be contained within the garages.

Architectural features
Sec. 17.28.510(D) C.M.C.

Building length shall not exceed 160 feet.

Permitted fences, hedges and walls not greater than six (6) feet shall be permitted on or within all rear and side property lines on interior lots
Sec. 17.28.240 (A) C.M.C.

ATTACHMENT 2

CONDITIONS OF APPROVAL

(To be attached to Ordinance)

**CITY OF COVINA
CONDITIONS OF APPROVAL FOR APPLICATIONS:**

**SITE PLAN REVIEW 06-016(F)
PLANNED COMMUNITY DEVELOPMENT 07-001
TREE PRESERVATION PERMIT 07-001
A DEVELOPMENT AGREEMENT
A LOT LINE ADJUSTMENT
A MITIGATED NEGATIVE DECLARATION**

**AS RECOMMENDED FOR APPROVAL BY THE
PLANNING DIVISION ON MAY 29, 2007**

Application SPR 06-016 ~~(E)~~ (F), a Site Plan Review for the construction of 171 new residential units including other facilities for community activities, a two-story memory care/assisted living facility and a one story skilled nursing facility;

Application PCD 07-001, a Planned Community Development to establish a PCD overlay zone designation on the site to adopt and apply site-specific development standards;

Application TPP 07-001, a Tree Preservation Permit is required because a total of three (3) mature oak trees and 248 non-Heritage trees may be impacted. At least one mature oak tree will have to be removed for the new project;

A Development Agreement to regulate the proposed senior citizen residential development and other related buildings;

A Lot Line Adjustment to accommodate the method of financing the proposed development;

A Mitigated Negative Declaration was prepared and circulated for this project per Section 15105 of the California Environmental Quality Act guidelines.

1.0 TIME LIMITS

- 1.1 The approval of the applications SPR 06-016~~(E)~~ (F), PCD 07-001, and TTP 07-001 will expire upon expiration of the term of the Development Agreement.
- 1.2 Site Plan Review (SPR) 06-016~~(E)~~ (F) shall not take effect until the Mitigated Negative Declaration, Planned Community Development and a Development Agreement are approved by the City Council and take effect.

2.0 GENERAL REQUIREMENTS

- 2.1 Failure to comply with any conditions of approval noted herein or any Mitigation Measures (referring to Mitigation Monitoring and Reporting Program accompanying the Mitigated Negative Declaration) shall be deemed just cause for revocation of project approval by the Planning Commission.

- 2.2 The project or uses may proceed only in accordance with approved plans on file with the Community Development Department, all representations of record made by the applicant(s), the conditions contained herein, environmental-related Mitigation Measures, and the Covina Municipal Code and the Covina Design Guidelines. In addition, any future proposed changes or modifications in the design of any site component approved herein shall not proceed without City approval.
- 2.3 Final plans incorporating all conditions of approval and any plan changes required in the approval process shall be submitted for review and approval by the City Planner prior to building permit issuance in conjunction with the Plan Check process of the Building Division. All construction plans and documents shall conform to plans approved by the Planning Commission. Conditions listed herein shall be printed upon the face of and included as part of the plans as required by the Assistant Community Development Director.
- 2.4 The Project design is conceptual and shall be subject to separate design review for detailed floor plans and buildings elevations for all new buildings (A, B, C, D, E, F, G, and H). The design review shall be completed to the satisfaction of the Assistant Community Development Director or designee prior to building plan check submittal. A complete building materials and colors board shall be submitted with the detailed drawings to the Assistant Community Development Director for review and approval prior to or during the subsequent Plan Check process.

- 2.5 Approval of their applications will not waive compliance with the Covina Municipal Code or the Covina Design Guidelines and any other applicable ordinances, laws, statutes, or regulations applicable to development and occupancy of the subject future residential project that are in effect at the time the Ordinance approving the Development Agreement is adopted by the City Council building permit issuance.
- 2.6 The location and orientation of all principal components of the future development shall conform to the approved site plan per Section 17.64.040 of the Covina Municipal Code. These components shall include, but are not limited to, buildings, yard areas, masonry walls and fences, walkways, covered parking stalls, open parking spaces, drive aisles, and landscaping or planters.
- 2.7 The applicant's proposal that includes skilled nursing, memory care, assisted living, buildings and services shall be approved under Planned Community Development 07-001 and will not require an approved conditional use permit per Section 17.28.030 of the Covina Municipal Code.
- 2.8 A Statutory Development Agreement by and between City of Covina, a California municipal corporation, and Masonic Homes of California, a California not-for-profit corporation, shall be signed and executed prior to the issuance of any building permits for the proposed project.
- 2.9 The City of Covina, through adoption of a Planned Community Development (PCD) ordinance, may grant exceptions to the General Plan development standards, including the density cap, where CITY finds that community goals, objectives and policies are best furthered. The Parties understand that CITY has adopted, concurrently with this Agreement, a PCD Ordinance, which is incorporated into the Existing Land Use Regulations (Exhibit "D"), and which establishes specialized zoning regulations unique to the Property, pursuant to Covina Municipal Code, Chapter 17.58.
- 2.10 Modified Density. For the reasons set forth below (and which are more particularly referenced in Sections 4.4.1 and 4.4.2 of that certain Development Agreement between the City of Covina and Masonic Homes of California ("Development Agreement")), the City Council finds that the Project remains classified as "Low Density Residential"/RD-8500 and remains in compliance with both the General Plan and Zoning Code, notwithstanding the fact that Dwelling Unit density at the Project amounts to 6.09 Dwelling Units per acre, (183 Dwelling Units situated on 30 acres), which exceeds the General Plan density cap for "Low Density Residential" of 6.0 Dwelling Units per acre and the Zoning Code density cap for "RD-8500" of 5.2 Dwelling Units per acre:
- 2.11 PCD/Exception to General Plan Density Cap. The General Plan and Zoning Code, through adoption of a PCD ordinance, authorize the City Council to grant exceptions to the General Plan and Zoning Code development standards, including their respective density caps, where the City Council finds that it is desirable to apply more flexible density standards to a particular development and that community goals, objectives and policies are best furthered. By adoption of this PCD ordinance, the City Council hereby finds that the Project is a unique gated, private and full-service continuing care community, which provides for clustered design and large amounts of open space. As such, the City Council finds that it is desirable to apply more flexible density standards to the Project and that community goals, objectives and policies are best furthered by development of the Project at the proposed density. Therefore, the Project shall be deemed to be in compliance with the General Plan and Zoning Code, notwithstanding the fact that Dwelling Unit density at the Project amounts to 6.09 Dwelling Units per acre.
- 2.12 PCD/Reclassification of Rooms In Existing Assisted Living Facility in Northeast Portion of Parcel C. Further, there currently exists on the northeast portion of "Parcel C" (as that parcel is designated under the Lot Line Adjustment for the Project, submitted March 15, 2007 (Lot Line Adjustment #43), a State-licensed senior assisted living facility ("Existing Assisted Living Facility"), which consists of three (3) buildings containing fifty-six (56) rooms. Based upon the

fact that the Existing Assisted Living Facility is a State-licensed facility that serves a special senior population, the City Council, by adoption of this PCD ordinance, hereby determines that the buildings composing the Existing Assisted Living Facility shall count as three (3) Group Homes, and therefore count as three (3) Dwelling Units (as opposed to fifty-six (56) Dwelling Units) for purposes of calculating residential density for the Project. This determination shall remain effective only as long as the Existing Assisted Living Facility remains in operation. Upon the termination, conversion, reconstruction or redevelopment of the Existing Assisted Living Facility, this determination shall no longer be in effect and the number of Dwelling Units shall be recalculated based upon the density of the converted, reconstructed or redeveloped facility.

- 2.13 Formula for Maximum Density per Parcel: As more particularly set forth in Sections 4.4.3 and 4.4.4 of the Development Agreement, each lot within the Property (as designated under the Lot Line Adjustment for the Project, submitted March 15, 2007 (Lot Line Adjustment #43), may be developed at the following residential densities:

Parcel A may be developed with a maximum of 112 Dwelling Units, consisting of 112 Dwelling Units and no (0) Group Homes for seniors or children;

Parcel B may be developed with a maximum of 59 Dwelling Units, consisting of 59 Dwelling Units and no (0) Group Homes for seniors or children;

Parcel C may be developed with a maximum of 11 Dwelling Units, consisting of eight (8) Group Homes for children and three (3) Group Homes for seniors (the Existing Assisted Living Facility);

Parcel D may be developed with a maximum of one (1) Dwelling Unit, consisting of one (1) assisted living/memory care Group Home (counted as a single Group Home/Dwelling Unit) and one (1) skilled nursing medical facility (counted as a hospital/medical facility, and not as a Group Home or Dwelling Unit toward density);

Notwithstanding the above, the applicant may request a minor modification to the above maximums, so long as 1) the total maximum number of Dwelling Units on the Property does not exceed One Hundred Eight-Three (183); and 2) the maximum number of residential units on any of the four legal lots does not exceed the above maximums by more than 10%. However, neither Group Homes nor skilled nursing facilities may be relocated to any other lot without the express written consent of the City. In order to memorialize this provision and to ensure that additional residential development is not added to the Property in the future, the applicant shall record a covenant containing these density maximums on each legal lot of the Property.

- 2.14 Buildings A, B, & C will exceed the maximum building height of 35' 0" (a deviation from Section 17.28.090 (A) C.M.C.) as follows:

Building A: 53' 5" 38' maximum height;
Building B: 58' 4" 48' maximum height;
Building C: 55' 2" 48' maximum height.

- 2.15 Reduced required side yard setbacks along the site's west property line for Buildings E and F (12' 0" to 14' 11") (a deviation from Section 17.28.090 (B) C.M.C.) Buildings E and F shall maintain a minimum side yard setback of 17'

- 2.16 Reduced required rear yard setbacks along the site's south property line for Buildings A, B, and C (35' 5" to 108') (47' - 104') (a deviation from Section 17.28.090 (B) C.M.C.). (Set back revised per modification to site plan 12/18/07)

- 2.17 ~~Reduced required distance between buildings (a deviation from Section 17.28.150 C.M.C.) for Buildings E and F (10' 11" to 14' 10").~~ Proposed distance between Buildings E and F shall meet code requirements.
- 2.18 ~~No masonry wall shall be installed between the project site and the single family residential area abutting to the west (a deviation from Section 17.28.170 C.M.C.).~~ Instead an existing fence with landscaping is to be kept.
Prior to the issuance of a Building Permit, the Masonic Home shall have contacted all property owners abutting the western property line and shall offer to construct a masonry wall or other type of fencing as desired by the adjacent property owner. The decision of each property owner shall be in writing, and a copy shall be provided to the City Planning Division for verification. If any property owner fails to respond within a reasonable period of time as determined by the Community Development Director, the construction of a masonry wall or other type of fencing along a non-respondent owner's property line shall not be required.
- 2.19 Reduced required amount of parking to 419 stalls (a deviation from Section 17.28.260 C.M.C.).
- 2.20 Reduced required parking stall size to 9' 0" X 18' 0" and the approval of the use of carports instead of garages (a deviation from Sections 17.28.270 and 17.28.280 C.M.C.).
- 2.21 Parcels A and B individually will exceed the maximum land coverage of 35% (a deviation from Section 17.28.390 C.M.C.).
- 2.22 A reduced usable yard areas for Building B (specifically, the minimum dimension for decks of seven (7) feet) (a deviation from Section 17.28.410 C.M.C.). Building B decks with the following dimensions: 5' 0" X 12' 0" or 6' X 12'.
- 2.23 No storage area of 175 cubic feet will be provided in garages. Instead small storage areas will be provided for only the patio homes and duplexes (units E and F) ranging in area from 20 square feet to 29 square feet (deviation from Section 17.28.470 C.M.C.).
- 2.24 Buildings B, C, and D will exceed the required building length of 160 feet (a deviation from Section 17.28.510 (D) C.M.C.) as follows:
- Building B: More than 167 feet in length;
Building C: More than 167 feet in length;
Building D: More than 167 feet in length.
- 2.25 Proposed retaining walls on Parcel A will exceed the maximum permitted wall height of six (6) feet (a deviation from Section 17.28.240 (A) C.M.C.) The proposed retaining walls on Parcel A will range from 6' 0" to 27'-0"-15'
- 2.26 The City has the right of entry to inspect the premises to verify compliance with the conditions of approval and the Covina Municipal Code at any time.
- 2.27 Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The City must promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate

fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

- 2.28 The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.
- 2.29 If any provision of this grant is held or declared to be invalid, the entire approval shall be void and the privileges granted hereunder shall lapse.
- 2.30 The costs and expenses of any code enforcement activities, including, but not limited to, attorneys' fees, caused by applicant's violation of any condition imposed by this approval or any provision of the Covina Municipal Code shall be paid by the applicant.
- 2.31 Any site features for the disabled, including, but not limited to, property access identification, parking stall and unloading area dimensions, path of travel, and building access must comply with all applicable State Codes and must be reviewed by the Building Division (contact the Building Division for specific requirements).
- 2.32 The site, landscaping and all improvements shall be maintained in a sound, healthy and attractive condition free of weeds, visible deterioration, graffiti or other conditions which violate the Municipal Code.
- 2.33 Ordinance requirements not herein listed are still applicable.
- 2.34 The following requirements from the Public Works Department are applicable to this project:
 - 2.34.1 Submit Grading/Drainage Plan, prepared by a Registered Civil Engineer for review and approval.
 - 2.34.2 Submit a formal Hydrology Plan with calculations for City and Department of Public Works, County of Los Angeles review and approval.
 - 2.34.3 Provide Final Soils and Geologic Study prepared by a licensed Soils Engineer or Geologist for review with recommendations for implementation with grading work.
 - 2.34.4 Submit a sufficient Grading Bond to ensure City with funds to correct site conditions should default occur.
 - 2.34.5 Provide Final Grading Certificate by a Registered Civil Engineer certifying that all work is completed in accordance with the Approved Grading Plan.
 - 2.34.6 Comply with all requirements of the City Environmental Division. (See Item 17.)
 - 2.34.7 Submit sewer plans, prepared by a Registered Civil Engineer, for City and Los Angeles County Sanitation District review and approval.
 - 2.34.8 Submit water plans, prepared by a Registered Civil Engineer, for City and Los Angeles County Fire Department review and approval. Comply with water system requirements from Land Development Unit-Fire Prevention Division of Los Angeles County Fire Department.
 - 2.34.9 Underground all utilities for the proposed development.
 - 2.34.10 Access through Reeder Avenue is prohibited.
 - 2.34.11 Submit a traffic impact study of the proposed development, particularly on Old Badillo Street and the intersection at Reeder Avenue and provide all necessary measures to remedy the impacts.
 - 2.34.12 Enter into an agreement with the City to install sidewalk on the Westside of Reeder Avenue in the future City project.
 - 2.34.13 Pay all necessary fees; for plan checking, permit issuance and inspection.
 - 2.34.14 Depending on the proposed changes of subdivision, either lot line adjustment or Tract Map may be required.

- 2.34.15 Provide easement agreements for cross parcel drainage, ingress and egress, sewer and water.
- 2.34.16 Each parcel shall meet City's code requirements independently.
- 2.34.17 NPDES Requirements and comments: See Condition Number 2.35 below.
- 2.34.18 Two existing 8 inch double check detectors need to be upgraded with by-pass meters. Meet and confer with the Fire Department regarding the fire line service.

2.35 The following requirements from the Environmental Services Division are applicable to this project:

- 2.35.1 After reviewing the site plan (Revision D) for the subject project, it has been determined that it meets two of the criteria for a planning priority project as defined in the NPDES Development Planning model program for storm water management, i.e., it is a development with 10 or more unit homes and it has a parking lot with 25 or more parking spaces. The architect states that the development will have a net existing building footprint of 163,193 155,031 square feet and an additional building footprint of 250,895 164,598 square feet. The development must comply with the general sections of the Standard Urban Storm Water Mitigation Plan (SUSMP), including mitigation (infiltration or treatment) of storm water runoff from the entire site, and comply with the specific section for parking lots. A copy of the SUSMP is available in Environmental Services.
- 2.35.2 Please be aware that the Los Angeles Regional Water Quality Control Board has been issuing Notices of Violation throughout Los Angeles County against developments that have not incorporated infiltration into their plans. The Board has also refused to accept Notices of Termination from sites that did not use infiltration. Although the County and many cities (including Covina) believe that the NPDES Permit and the Standard Urban Storm Water Management Plan call for either infiltration or treatment, the County has confirmed with the Board that the Board is emphasizing infiltration solutions. If this project does not use infiltration, it may receive a Notice of Violation from the Board which will adversely affect the project. In such a case, the developer will have to deal directly with the Board and defend the decision. The City of Covina will not be a party to such a Notice of Violation.
- 2.35.3 The developer must provide verification of maintenance provisions for any structural and treatment control best management practices selected to comply with SUSMP requirements.
- 2.35.4 Because the project is greater than one acre, in accordance with the Development Construction model program, the developer will have to show, prior to receiving a grading or building permit, proof of a Waste Discharger Identification (WDID) Number for filing a Notice of Intent (NOI) for coverage under the State General Construction Activities Storm Water Permit and a certification that a Storm Water Pollution Prevention Plan has been prepared. If soil is disturbed during the rainy season (November 1 through April 15), the developer will have to prepare and implement a Wet Weather Erosion Control Plan. The project must meet the minimum development construction requirements while under construction:
 - (a) Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 - (b) Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff; and
 - (c) Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site.

2.36 The following requirements from the Building Division are applicable to this project:

2.36.1 After you have successfully completed the Planning Division's Site Plan Review process your plans should be ready for submitting to the Building Division for review of State and local Building Code requirements. Please be prepared to submit the following:

- (a) Demolition and renovations activities require an asbestos containing materials (ACM) survey. (SCAQMD RULE 1403) **The ACM report shall be prepared by an accredited testing laboratory in accordance with SCAQMD rules and regulations.** Proof of notification to the South Coast Air Quality Management District (SCAQMD), Office of Operations, shall be submitted to the Building Division with your permit application for all renovations and demolition activities. Contact the SCAQMD at the address or number below for more information. Once any demolition activity has been approved by the SCAQMD, a formal demolition plan and permit must be obtained from the Building Division.

**SCAQMD Headquarters; 21865 Copley Drive,
Diamond Bar, CA, (909) 396-2381**

- (b) Please submit six sets of complete plans; with two sets of energy and structural calculations.
- (c) This project must be in full compliance with Federal ADAAG and State accessibility requirements for adaptable units.
- (d) School District application and approval including any related fees must be provided before permit issuance.
- (e) Provide four sets of engineered grading and drainage documents along with soils, geology and liquefaction reports to our City Engineer in our Public Works Department. (Compaction reports and pad location certifications by project civil engineer are required prior to footing and foundation inspection approval.) Los Angeles County Sanitation District approval for sewer connection.
- (f) The Los Angeles County Fire Department needs to review your construction plans, to expedite this process you will need to contact one or more of their Regional plan check office(s): **Appointments to discuss Fire Department requirements may be made between 7:30 a.m. and 10:30 a.m. The main office is located at 5823 Rickenbacker Road, Commerce, CA 90040-3027. Phone number is (323) 890-4125.**

Regional plan check offices for the Los Angeles
County Fire Department:

Glendora Office, Building Plan Review Only

231 W. Mountain View Avenue
Glendora, CA 91740
(626) 963-0067

Commerce Office, Sprinkler & Alarm Plan Review

5823 Rickenbacker Road
Commerce, CA 90040-3027
(323) 890-4125

Commerce Office, Land Development / Access

5823 Rickenbacker Road
Commerce, CA 90040-3027
(323) 890-4243

- (g) The Building Division plan check process may address additional concerns.

2.37 The following requirements from the Los Angeles County Fire Department are applicable to this project:

2.37.1 Submit plans to the Land Development Unit of the Los Angeles County Fire Department for approval. Telephone number (323) 890-4243.

2.37.2 Submit plans to Fire Protection Engineering Section of Los Angeles County Fire Department for approval. Telephone number (626) 963-5564.

3.0 ADDITIONAL GENERAL REQUIREMENTS

3.1 Sign permits are required for all new signs and/or modification of any existing signs. The proposed signs for this project are subject to a separate plan review. Submit proposed plans to the Planning Division for plan check and approval. The Planning Division will not authorize the issuance of a building permit without an approved sign plan.

3.2 Screen from view all new roof, wall, or ground-mounted mechanical equipment, utility equipment or utility meters. Locate, identify and provide cross-sectional details of screening material in the construction documents.

3.3 Submit landscape and irrigation plans. Locate and identify all plants and provide a complete irrigation system. Provide cross-sectional details of planting method and irrigation system. Submit proposed plans to the Planning Division for plan check and approval. The Planning Division will not authorize the issuance of a building permit without an approved landscaping plan.

3.4 All plant material shall conform to the current edition of "Horticultural Standards" for number one grade nursery stock as adopted by the American Association of Nurserymen.

3.5 Sufficient trash bin enclosure(s) shall be installed in accordance with the normal requirements for the City of Covina which call for block construction with solid metal self-closing gates.

3.6 A construction noise permit is required prior to beginning construction on the site. This permit can be obtained from the Building Division or Planning Division.

3.7 All construction shall conform with City noise ordinances restricting construction prior to 7:00 a.m. and on Sundays and Holidays.

3.8 Parking lot illumination shall comply with the standards of the Covina Design Guidelines which require a minimum of 1.0 foot-candle of illumination in parking areas.

3.9 All improvements shall be constructed in good workmanlike manner consistent with the standard best practice of the subject trade and in a manner acceptable to the City.

3.10 All of the conditions of approval listed herein shall be printed upon the face of and included as part of the final plans and specifications that are submitted during the plan checking functions for which a building permit is issued.

3.11 The applicant's Lot Line Adjustment must be approved by the City Engineer prior to pulling any permits.

3.12 The applicant shall comply with the Arborist's Report for Masonic Homes – City of Covina, prepared by DUDEK, dated January 2007, specifically Section 7.0 – Conclusions, which reads:

" . . . recommends that the redeveloped landscape include 3:1 replacement ratio with 15-gallon size oak trees for the impacted oak trees and consideration of relocating one of the native oaks. The non-Heritage trees are recommended for a 1:1 replacement ratio with desirable ornamental

trees. Many of the recommended mitigation trees would be accommodated within the landscaping on site with the remaining trees offered to the City for planting within City-designated parks and open space. It is also recommended that all of the trees within the 100 foot buffer area be provided protection measures prior to, during, and following construction and any tree(s) that declines or are lost during construction or for up to one-year after construction, be mitigated on a 1:1 basis for non-Heritage trees and a 3:1 basis for native oaks and sycamores. A qualified arborist would assess the tree(s) and make recommendations for improving its health or replacing the tree with three 15-gallon mitigation trees.”

- 3.13** In addition to the requirements of Condition 3.12, all replacement trees planted in areas along property lines shall be 60-inch box and a minimum of 16 feet at planting. Replacement trees shall be planted as early as possible in the construction process so that they can start to grow during construction. The purpose of these larger trees is to provide greater screening for surrounding neighbors west, south and east of the Masonic Home property.
- 3.14** All retaining and other wall features shall be of a decorative block and subject to approval by the Covina Planning Division.
- 3.15** Masonic Home shall compensate any neighboring property owner who is adversely impacted by dust or other construction related impacts, for such items as car cleaning, pool cleaning, etc. Claims for compensation shall be filed by the impacted property owner to the Masonic Home. The Masonic Home shall respond to all claims within 30 days. Any disputed claims shall be submitted, in writing, by the impacted property owner to the City of Covina, Community Development Department, for final resolution.
- 3.16** Prior to the issuance of building permits, the project must obtain necessary permits and service agreements with Los Angeles County Sanitation District and/or City of Covina and/or City of San Dimas jurisdictions, and pay all applicable sewer connection charges to permit new development to connect to existing facilities. The project applicant must request and pay for all flow and other applicable tests that may be required to confirm sewer line capacity as part of the permitting/agreement process. Additionally, the project applicant shall pay for all design, construction and installation costs of any required expansion or upgrade of existing sewer lines necessitated by connection to the project.

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